



PATENT

Attorney Docket No. 0120-0249.15

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:  
Thomas R. BARANOWSKI et al

Serial No.: 10/748,561

Filed: December 30, 2003

Examiner: Michael C. Miggins

Art Unit: 1772

For: CLOSURE CAP LINERS HAVING  
OXYGEN BARRIER PROPERTIES

|  |                                     |
|--|-------------------------------------|
| <b><u>CERTIFICATE OF MAILING</u></b><br><b><u>BY "EXPRESS MAIL"</u></b>  |                                     |
| "Express Mail" Mailing Label: EV 643277340   |                                     |
| Date of Deposit: November 23, 2005   |                                     |
| I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office Box Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to:<br>Commissioner for Patents, P.O. Box 1450,<br>Alexandria, VA 22313-1450. |                                     |
| NAME:  | Armando Ching<br>(TYPED OR PRINTED) |
| SIGNATURE:   | <i>Armando Ching</i>                |

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. §1.97, Applicant hereby calls the Examiner's attention to documents listed on the attached form, which documents may be material to the examination of this application. A copy of each of the documents was cited by or submitted to the Patent Office in the parent application, Serial No. 09/638,240, filed August 14, 1999, now U.S. Patent No. 6,677,397, which is being relied upon for an earlier filing date under 35 USC 120. Accordingly, pursuant to 37 C.F.R. §1.98(d), copies of the documents are not being submitted herewith. If

11/29/2005 CNGUYEN 00000058 10748561

01 FC:1806

180.00 OP

copies of such documents are not available to the Examiner or are otherwise required, Applicant will gladly provide them.

No inference should be drawn that the attached list sets forth a comprehensive investigation of the prior art, that any or all are pertinent to the invention, or that any apparatus disclosed is equivalent to the subject invention.

The citation of the above-discussed documents is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of any document herein is not to be construed as an admission that any subject matter disclosed in the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicant also respectfully reserves the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the instant patent application.

This Information Disclosure Statement is being filed after the mailing date of a first Office Action on the merits. Accordingly, a check in the amount of \$180.00 under 37 CFR

1.97(c) is enclosed for the required fee. If it is determined that any additional fee is required for this Information Disclosure Statement, please charge our Deposit Account No. 50/1039.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Andrew G. Kolomayets", written over a horizontal line.

Andrew G. Kolomayets  
Registration No. 33,723

COOK, ALEX, MCFARRON, MANZO,  
CUMMINGS & MEHLER, LTD.  
200 West Adams Street - #2850  
Chicago, IL 60606  
(312) 236-8500



PTO FORM 1449

|   |  |                                 |
|---|--|---------------------------------|
| LIST OF PUBLICATIONS CITED BY APPLICANT | <u>Attorney Docket No.</u><br>0120-0249.15 | <u>Serial No.</u><br>10/748,561 |
|   | <u>Applicants</u><br>Baranowski, et al.    |                                 |
|   | <u>Filing Date</u><br>December 30, 2003    | <u>Group</u><br>1772            |

## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL | DOCUMENT<br>NUMBER | DATE     | NAME              | CLASS | SUB-<br>CLASS | FILING<br>DATE |
|---------------------|--------------------|----------|-------------------|-------|---------------|----------------|
|                     | 2,194,958          | 03/26/40 | Szegvari, et al.  |       |               | 12/08/39       |
|                     | 2,557,169          | 06/19/51 | Benner, J.A.      |       |               | 03/18/48       |
|                     | 3,897,260          | 07/29/75 | Yaginuma, et al.  |       |               | 02/25/74       |
|                     | 3,924,051          | 12/02/75 | Wiggins, et al.   |       |               | 03/24/72       |
|                     | 4,151,924          | 05/01/79 | Jameson           |       |               | 11/07/77       |
|                     | 4,198,369          | 04/15/80 | Yoshikawa, et al. |       |               | 01/15/79       |
|                     | 4,235,953          | 11/25/80 | Kumins, et al.    |       |               | 03/16/78       |
|                     | 4,360,120          | 11/23/82 | Samuel, et al.    |       |               | 06/26/81       |
|                     | 4,468,254          | 08/28/84 | Yokoyama, et al.  |       |               | 04/14/83       |
|                     | 4,684,554          | 08/04/87 | Ou-Yang           |       |               | 04/12/85       |
|                     | 5,018,632          | 05/28/91 | Schmidt           |       |               | 06/29/90       |

## FOREIGN PATENT DOCUMENTS

| EXAMINER<br>INITIAL | DOCUMENT<br>NUMBER | DATE | COUNTRY | CLASS | SUB-<br>CLASS | TRANS-<br>LATION |
|---------------------|--------------------|------|---------|-------|---------------|------------------|
|                     |                    |      |         |       |               |                  |
|                     |                    |      |         |       |               |                  |
|                     |                    |      |         |       |               |                  |
|                     |                    |      |         |       |               |                  |
|                     |                    |      |         |       |               |                  |

|   |  |                                 |
|---|--|---------------------------------|
| LIST OF PUBLICATIONS CITED BY APPLICANT | <u>Attorney Docket No.</u><br>0120-0249.15 | <u>Serial No.</u><br>10/748,561 |
|   | <u>Applicants</u><br>Baranowski, et al.    |                                 |
|   | <u>Filing Date</u><br>December 30, 2003    | <u>Group</u><br>1772            |

## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL | DOCUMENT<br>NUMBER     | DATE     | NAME             | CLASS | SUB-<br>CLASS | FILING<br>DATE |
|---------------------|------------------------|----------|------------------|-------|---------------|----------------|
|                     | 5,060,818              | 10/29/91 | Doi, et al.      |       |               | 02/11/91       |
|                     | 5,143,763              | 09/01/92 | Yamada, et al.   |       |               | 07/11/91       |
|                     | 5,289,932              | 03/01/94 | Dimeo, et al.    |       |               | 07/14/93       |
|                     | 5,296,129              | 03/22/94 | Ikeda, et al.    |       |               | 11/27/91       |
|                     | 5,381,914              | 01/17/95 | Koyama, et al.   |       |               | 05/07/92       |
|                     | 5,685,443              | 11/11/97 | Taber, et al.    |       |               | 03/06/95       |
|                     | 5,772,076              | 06/30/98 | Juk, et al.      |       |               | 07/26/96       |
|                     | 5,843,577              | 12/01/98 | Ouhadi, et al.   |       |               | 03/22/95       |
|                     | 5,849,418              | 12/15/98 | Hoenig, et al.   |       |               | 11/1/95        |
|                     | 5,855,836              | 01/05/99 | Leyden, et al.   |       |               | 06/12/97       |
|                     | 5,955,163              | 09/21/99 | White            |       |               | 10/28/96       |
|                     | 6,140,418              | 10/31/00 | Yamashita et al. |       |               | 05/21/98       |
|                     | US 2004/<br>0191445 A1 | 09/30/04 | Baranowski et al |       |               | 03/27/03       |

## FOREIGN PATENT DOCUMENTS

| EXAMINER<br>INITIAL | DOCUMENT<br>NUMBER | DATE | COUNTRY | CLASS | SUB-<br>CLASS | TRANS-<br>LATION |
|---------------------|--------------------|------|---------|-------|---------------|------------------|
|                     |                    |      |         |       |               |                  |
|                     |                    |      |         |       |               |                  |
|                     |                    |      |         |       |               |                  |
|                     |                    |      |         |       |               |                  |
|                     |                    |      |         |       |               |                  |

|  |  |                 |
|--|--|-----------------|
| OTHER PUBLICATIONS<br>(Including Author, Title, Date, Pertinent Pages)   |  |                 |
|  |  |                 |
| EXAMINER   |  | DATE CONSIDERED |
| *EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP form. Draw a line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant. |  |                 |